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NSC FOR DEPUTY NATIONAL SECURITY ADVISOR JUAN ZARATE

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TAGS: [PTER](#) [PREL](#) [PGOV](#) [YM](#)
SUBJECT: PRESIDENTIAL ADVISOR: SALEH 'INCAPABLE' OF GIVING
UP BADAWI

REF: A. SANAA 2096

[1](#)B. STATE 155898

Classified By: by AMBASSADOR STEPHEN A. SECHE for reasons 1.4 (b), (d)
and (g)

[1](#)1. (C) Summary. Abdul Karim al-Eryani, a close advisor to President Ali Abdullah Saleh, told the Ambassador November 16 that Saleh is "incapable" of surrendering convicted USS Cole perpetrator Jamal al-Badawi to U.S. custody and asserted that we would do much better to focus our energy on winning guarantees from Saleh that Badawi will remain incarcerated in Sana'a for the duration of his sentence. End Summary.

[1](#)2. (C) During a 45-minute meeting at his Sana'a residence, former Prime Minister Abdul Karim al-Eryani, a long-time trusted advisor to President Saleh, told the Ambassador that USG pressure to gain custody of Jamal al-Badawi misreads completely Saleh's domestic requirements. Saleh, he said, is "incapable" of surrendering Badawi to US custody given Yemen's current political realities. Incentives will not help, he added.

[1](#)3. (C) "If Yemen were a dictatorship, that would be one thing," Eryani observed. "But it has moved too far in the other direction." Now, he noted, there are a multiplicity of voices in Yemen that Saleh cannot ignore: opposition political parties, independent media, and an empowered judiciary, all of which would be sharply critical of Saleh were he to move on his own to bypass the Yemeni Constitution and extradite or otherwise render Badawi to US custody. In addition, Eryani noted, Yemen is entering its own electoral season, and Saleh would weaken his ruling party's position severely by taking decisions that will invite a sharp and very negative public reaction. "The President is not immune to public opinion," Eryani said, noting that at present, opposition newspapers and Internet websites launch daily attacks against him, especially for his management of the civil unrest in the south.

[1](#)4. (C) The "disturbing" political situation in the south further impedes Saleh's ability to respond to the USG request for custody of Badawi, according to Eryani. Because Badawi is a southerner, surrendering him to US custody will further fuel resentment in a part of the country already in turmoil because of a perception that northerners like Saleh treat it with disdain. "The wounds from our civil war" have been re-opened, and mishandling of the Badawi case would simply add salt, Eryani said.

[1](#)5. (C) Eryani insisted that even incarceration of Badawi for the duration of his sentence is difficult for Saleh, but added that the President "can be pressured" to do so, including acceding to our demand that Badawi be jailed in a

Political Security Organiztaion (PSO) facility in Sana,a and that we be granted on-demand access. To succeed, however, this message must be delivered to Saleh at every opportunity by as many senior USG officials as possible so he will understand there is no wiggle room.

¶6. (S) Comment. Eryani, perhaps Yemen's premier elder statesman, is an astute observer of Yemeni politics and the character of Ali Abdullah Saleh. His observation that Yemen "has moved too far" down the path of democratic reform for Saleh to revert to the behavior of the stereotypical Arab "strong man" appears to us to identify the crux of Saleh's dilemma in this case) and our own. We have identified ourselves closely with efforts to bring about the emergence of democratic institutions and practices in Yemen, and these efforts have met with success. It is this very success that now inhibits Saleh's ability to conduct himself in the high-handed manner of Arab leaders in less democratic states: he must be mindful of the reaction of public opinion, opposition parties and the media they control, and even a judiciary increasingly prepared to insist on the rule of law. Pushing Saleh to take a decision that will almost certainly put him in conflict with these institutions undermines many of the gains Yemen has posted in recent years, weakening both a President on whom we depend and a democracy we have worked so hard to encourage. End Comment.
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